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REMARKS

Applicants cancel claims 8, 13-15 and 18. Claims 3-4, 6-7, 11, and 16-17 have

previously been canceled. Claims 1-2, 5, 9-10, 12, and 19-20 remain pending in the application.

Applicants amend claim 1 to incorporate features from cancelled claim 8, amend claim 9 to

incorporate features of canceled claim 15, and amend claims 19-20 to incorporate corresponding

features. No new matter has been added.

Claims 1, 2, 5, 8-10, 12-15, and 18-20 were rejected under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent No. 6,738,352 to Yamada et al. in view of U.S. Patent No.

6,452,902 to Buyukkoc et al. Applicants respectfully traverse the rejection.

The Examiner maintained that the path traffic comparison described in Yamada et al.

suggests that claimed "deciding" feature. The Examiner cited col. 18, lines 1-15 of Yamada et

al. as alleged disclosure of the claimed feature of redistributing traffic flow. The claimed

invention further includes, however, deciding whether such redistribution results in traffic loss,

and setting a new route and switching the traffic flow to the new route when it is decided that

such redistribution results in traffic loss. The cited portions of Yamada et al. only include

description of transferring traffic from a failed path to existing detour paths.

The Examiner cited col. 9, lines 5-12 of Yamada et al. or Buyukkoc et al. as alleged

disclosure of the features recited in claim 8. Page 5, lines 3-7 of the Office Action. Such

portions of Yamada et al. only include description of a route solving process unit for

determining, from reading discrimination information superimposed on header information of an

IP datagram, whether the received datagram is transferred via single path or multi-path. And

such portions of Buyukkoc et al. merely includes a table showing link statuses. As such, neither

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reference, as cited and relied upon by the Examiner, discloses or suggests the above-described

new route setting feature.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art

at the time the claimed invention was made to combine Yamada et al. and Buyukkoc et al., such

a combination would still have failed to disclose or suggest,

> "[a] traffic engineering method of a network divided into a
> plurality of areas, each area including a plurality of nodes, said
> method comprising the steps of:
> carrying out a load-balancing process at a boundary node in
> said each area in a closed manner;
> calculating a normalized value used for the load-balancing
> process, based on address information of a packet supplied to an
> ingress node of the network from an outside of the network;
> adding said normalized value to switching information of
> said packet;
> forwarding said packet from said ingress node to the
> plurality of nodes;
> receiving said packet from said ingress node at an area
> boundary node located on a boundary of the plurality of areas;
> extracting said normalized value, used for carrying out the
> load-balancing process in an area including said area boundary
> node, from the switching information of said packet;
> redistributing a traffic flow from a failed route to a route
> other than the failed route if receiving a failure notification at said
> ingress node or said area boundary node; and
> deciding whether a traffic loss occurs by redistributing the
> traffic flow from said failed route to the route other than said failed
> route; and
> setting a new route and switching the traffic flow to the
> new route when it is decided at said deciding step that the traffic
> loss occurs by redistributing the traffic flow from said failed route
> to the route other than said failed route," as recited in claim 1.
> (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claims 2 and 5,

dependent therefrom, is patentable over Yamada et al. and Buyukkoc et al., separately and in

combination, for at least the foregoing reasons. Claims 9 and 19-20 incorporate features that
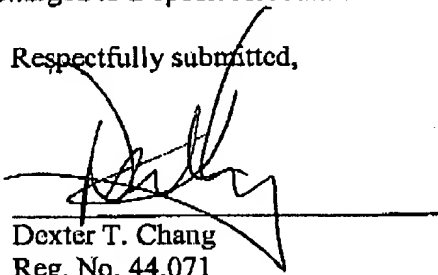
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correspond to those of claim 1 cited above, and are, therefore, together with claims 10 and 12

dependent from claim 9, patentable over the cited references for at least the same reasons.

Applicants appreciate the Examiner's implicit finding that the additional references made

of record, but not applied, do not render the claims of the present application unpatentable,

whether these references are considered alone or in combination with others.

In view of the remarks set forth above, this application is in condition for allowance

which action is respectfully requested. However, if for any reason the Examiner should consider

this application not to be in condition for allowance, the Examiner is respectfully requested to

telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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